

**BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI**

In the Matter of the Review of the Competitive)	
Classification of the Exchanges of CenturyTel)	<u>Case No. IO-2008-0096</u>
of Missouri, LLC)	

**RESPONSE TO THE OFFICE OF PUBLIC COUNSEL'S
REQUEST FOR AN EVIDENTIARY HEARING**

COMES NOW CenturyTel of Missouri, LLC ("CenturyTel"), pursuant to 4 CSR 240-2.080(15), and for its Response to the Office of Public Counsel's Request for an Evidentiary Hearing respectfully states as follows:

1. On October 4, 2007, the Staff of the Missouri Public Service Commission filed a report pursuant to Section 392.245.5, RSMo (Supp. 2006), regarding conditions for competitive classification of CenturyTel's competitively classified exchanges. Staff concluded that competitive conditions continue to exist in CenturyTel's competitively classified exchanges and recommended that the Commission make a finding of that fact.
2. On October 11, 2007, the Commission joined CenturyTel as a necessary party, and provided notice of Staff's filing to other potentially interested parties; also establishing a deadline of October 30, 2007 for the filing of applications to intervene.
3. On October 30, 2007, the Office of Public Counsel ("OPC") filed its request for an evidentiary hearing, urging the Commission to make a factual record of the proceeding which will serve as the basis of the Commission's decision.
4. CenturyTel respectfully submits that the Staff conducted an independent and thorough review of the state of competition in all of CenturyTel's competitively-classified exchanges; finding in some instances that additional facilities-based competitors had entered these markets. The OPC does not dispute these findings and has not alleged facts contrary to Staff's findings. The factual record sought by OPC already exists in the verified Report submitted by Staff.

5. All of CenturyTel's competitive exchanges are "30-day track" exchanges under Section 392.245.5, the standard for which is very straightforward and objective: a finding that "two nonaffiliated entities in addition to the incumbent local exchange company are providing basic local telecommunications service to [business and/or] residential customers within the exchange." Clearly, the 30-day track does not contain a public interest element as is required under the "60-day track," and while OPC's pleading suggests that "the extent of competition" should be made a part of the record in this case, CenturyTel respectfully submits that such a request goes far beyond the statutory criteria to be reviewed in the 30-day track exchanges that constitute this proceeding.

6. An evidentiary hearing in this matter would do nothing to add relevant facts to the record in light of Staff's independent report, and CenturyTel submits that OPC's request should be denied. However, if OPC's request is granted, CenturyTel requests that a prehearing conference be scheduled as soon as possible, to provide parties the opportunity to discuss procedural options available to expedite the Commission's consideration of this matter.

WHEREFORE, for the foregoing reasons, CenturyTel respectfully requests that the Commission deny the Office of Public Counsel's request for an evidentiary hearing; or in the alternative, schedule a prehearing conference in this matter as soon as possible.

Respectfully submitted,

/s/ Larry W. Dority

Larry W. Dority #25617
FISCHER & DORITY, P.C.
101 Madison, Suite 400
Jefferson City, MO 65101
Telephone: (573) 636-6758
Fax: (573) 636-0383
Email: lawdority@sprintmail.com

Attorneys for CenturyTel of Missouri, LLC

CERTIFICATE OF SERVICE

I do hereby certify that a true and correct copy of the foregoing document has been hand-delivered, transmitted by electronic mail or mailed, First Class, postage prepaid, to the following parties on the 8th day of November, 2007.

/s/ **Larry W. Dority**

Larry W. Dority

William K. Haas
Deputy General Counsel
Missouri Public Service Commission
P.O. Box 360
Jefferson City, Missouri 65102
william.haas@psc.mo.gov

Michael F. Dandino
Office of the Public Counsel
P.O. Box 2230
Jefferson City, Missouri 65102
mike.dandino@ded.mo.gov

General Counsel
Missouri Public Service Commission
P.O. Box 360
Jefferson City, Missouri 65102
gencounsel@psc.mo.gov